

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO,
ET AL.,

Defendants.

No. 12-cv-2039 (GAG)

**JOINT MOTION SUBMITTING A REVISED SCHEDULE TO COMPLETE THE
MONITORING METHODOLOGY AND RELATED DISCUSSIONS**

COME NOW, Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico, *et al.*, (collectively, the Parties)—with the concurrence of the Acting Monitor and the Special Master— and jointly submit a revised schedule to complete the monitoring methodologies for each subject-matter area of the Reform Agreement and other discussions for the Court’s approval. For cause, the Parties allege and state as follows:

1. On June 13, 2019, the Parties submitted a proposed schedule to complete a consensus-based methodology in each of the eleven areas of the Reform Agreement to enable the Monitor’s Office to begin independent compliance monitoring in the case.¹ ECF No. 1255-1. The Parties have been working collaboratively and diligently with the Acting Monitor and the Special Master on the methodology in accordance with the June 13 schedule. As a result of this

¹ The reason why the Parties are working together with the Special Master and the Acting Monitor on a consensus-based methodology for the eleven areas of the Reform Agreement is that the former Monitor was not able to develop the necessary methodology for compliance monitoring before his abrupt departure in May 2019. In fact, the compliance monitoring phase of this case was scheduled to commence in October 2018, but the same has been delayed for the same reason.

effort, the Parties have reached agreement and produced final methodologies on Use of Force (ECF No. 1255-2), Training (ECF No. 1272-2), and Policies and Procedures (ECF No. 1272-1).

2. As the Court is aware, mass demonstrations and protests in Puerto Rico have demanded significant attention from the Puerto Rico Police Bureau (PRPB) and Commonwealth officials over the last several weeks. The Acting Monitor and his team, together with the Special Master and Assistant Special Master, have been onsite at various locations throughout Puerto Rico to observe many of the demonstrations and protests that have taken place. Counsel for the Parties have also attended some of these events. At the Court's direction, the Parties also rescheduled working meetings on the methodology set for July 22-24 to attend to the evolving situation in Puerto Rico.

3. Due to these competing and unforeseen demands, the Parties conferred with the Acting Monitor and Special Master to update the schedule for the monitoring methodologies and to address other upcoming deadlines related to the Commonwealth's technology plans and recommendations from the American Civil Liberties Union of Puerto Rico (ACLU).²

4. As set forth in the table below, the Parties are requesting extensions to complete the remaining monitoring methodologies. The Parties, with the concurrence of the Acting Monitor and Special Master, have also developed a work plan with additional timeframes to exchange drafts, submit comments, and discuss final edits.

² To the extent that the ACLU announced its intention to withdraw as *Amicus Curiae* in this case, and that this Court granted the motion to withdraw; and further, in light of the fact that the ACLU clearly crossed the line and all but became a litigant in the case – as is evident from the Court's *Order Addressing ACLU's "Informative Motion" and Admonishing ACLU as Amicus Curiae*, ECF No. 1296, and its *Order* granting the ACLU's motion to withdraw and striking the ACLU's "Informative Motion" and Motion to Compel, ECF No. 1304 – the PRBP respectfully submits that the Court should excuse them from addressing the recommendations of the ACLU, many of which go beyond the confines of an *Amicus*.

5. The Parties have also conferred with the Acting Monitor and the Special Master on extensions that are needed for upcoming deadlines on the Commonwealth's information technology action plan (IT Action Plan) and the ACLU's compliance recommendations.³ *See* Defs.' Mot., ECF No. 1271 (submitting proposed IT Action Plan); Order, ECF No. 1273 (ordering the Parties and the Acting Monitor to confer and submit a joint recommendation); Order, ECF No. 1129 (soliciting ACLU response); ACLU Mot. in Compliance, ECF No. 1196.

6. To complete the monitoring methodologies in all areas of the Reform Agreement, submit joint recommendations on PRPB's IT Action Plan, and respond to the ACLU's recommendations on compliance,⁴ the Parties submit the following updated schedule for the Court's approval:

Item	Current Deadline	Proposed New Deadline
Searches and Seizures	July 31, 2019	August 30, 2019
Recruitment Methodology	July 31, 2019	August 30, 2019
Professionalization Methodology	July 31, 2019	August 30, 2019
Supervision Methodology	September 30, 2019	August 30, 2019
Equal Protection Methodology	September 30, 2019	October 30, 2019
Civilian Complaints and Internal Investigations Methodology	September 30, 2019	October 30, 2019
Community Engagement and Public Information Methodology	September 30, 2019	October 30, 2019
Information Systems and Technology Methodology	September 30, 2019	October 30, 2019
Joint Recommendation on IT Action Plan	August 1, 2019	September 30, 2019
Parties Response to ACLU Recommendations ⁵	August 2, 2019	November 1, 2019

7. The proposed deadlines provide the Parties, the Acting Monitor, and the Special Master an opportunity to finish these important tasks without postponing the December 2019

³ Again, to the extent that a response is required to such "recommendations."

⁴ *Id.*

⁵ *Id.*

deadline for the completion of the Monitoring Report covering all eleven areas of the Agreement. It also provides the Parties, the Acting Monitor, and the Special Master an opportunity to consider PRPB's proposed IT Action Plan and the ACLU recommendations in the context of final or near-final methodologies so that the substance of these documents may be properly implemented, where appropriate, into the methodologies and compliance monitoring. The Parties also remind the Court that PRPB needs to provide training to its officers on the methodologies as they are completed and approved prior to the commencement of compliance monitoring in each area.

WHEREFORE, the Parties respectfully request that this Court approve the updated schedule and grant the extensions of time requested therein.

WE HEREBY CERTIFY that today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico using the CM/ECF system, which will send a copy and notification of filing to the Acting Monitor, the Special Master, and all counsel of record.

Respectfully submitted, this 8th day of August, 2019,

For Plaintiff UNITED STATES OF
AMERICA:

STEVEN H. ROSENBAUM
Chief, Special Litigation Section

s/Jorge M. Castillo

s/Luis E. Saucedo

TIMOTHY D. MYGATT

Deputy Chief

LUIS E. SAUCEDO (G01613)

Counselor to the Chief

JORGE CASTILLO (G02912)

Trial Attorney

U.S. Department of Justice

Civil Rights Division

For Defendants COMMONWEALTH OF
PUERTO RICO, ET AL.:

s/Arturo J. Garcia Sola

Arturo J. Garcia Sola

USDC-PR No. 201903

ajg@mcvpr.com

s/Maria A. Dominguez

Maria A. Dominguez

USDC-PR No. 210908

madt@mcvpr.com

s/Lizzie M. Portela

Lizzie M. Portela

USDC-PR No. 208401

Special Litigation Section
950 Pennsylvania Avenue, NW
Washington, DC 20530
Telephone: (202) 598-0482
Fax: (202) 514-4883
luis.e.saucedo@usdoj.gov
jorge.castillo@usdoj.gov

Attorneys for Plaintiff

lpf@mcvpr.com

s/Javier F. Micheo Marcial
Javier F. Micheo Marcial
USDC-PR No. 305310
jfm@mcvpr.com
McCONNELL VALDÉS LLC
P.O. Box 364225
San Juan, PR 00936-4225
Telephone (787) 250-5641
Fax: (787) 759-8282

Attorneys for Defendants